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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,468	09/14/2005	Joan Llagostera Forns	TJA-119US	8320
23122	7590	09/11/2007	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			PUROL, DAVID M	
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
09/11/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/549,468	FORNS, JOAN LLAGOSTERA
	Examiner	Art Unit
	David M. Purol	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 June 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 4-16 is/are allowed.
- 6) Claim(s) 2,3,17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over ES Patent No. 1,052,733 in view of ES Patent No. 1,051,839. ES Patent No. 1,052,733 discloses an articulated arm and forearm 10,11 including securing/articulation configurations 6-9,16-20 and a flexible pulling element 14. While ES Patent No. 1,052,733 does not specifically set forth particulars of the securing/articulation configurations as claimed including among other elements an elastic element, ES Patent No. 1,051,839 discloses an articulated awning arm including securing/articulation configurations 1,2a,5-9 (see figure 1) and an elastic element 3, wherein, to incorporate these teachings into the articulate arm and forearm of ES Patent No. 1,052,733 for the purpose of facilitating the movement of the awning would have been obvious to one of ordinary skill in the art.

2. Claims 4-16 are allowed.

3. The applicant states that claim 17 includes features not disclosed nor suggested by the combination of the cited references, namely:

... an arm having a first end and a second end, the first end of the arm including a securing portion adapted for coupling to the fixed support member, the second end of the arm including a surrounding wall portion adapted for articulation ...

... a forearm having a first end and a second end, the first end of the forearm including a core portion adapted for articulation and coupled to the second end of the arm, the core portion having an orifice extending at least partially through the core portion in a direction transverse to a longitudinal direction of the forearm, the second end of the forearm including a portion adapted for articulation and coupling to the load bar, and the surrounding wall portion of the arm at least partially disposed around the core portion ...

... an elastic element disposed within the arm and secured to a predetermined location on the arm ...

... a flexible pulling element disposed within the arm, the flexible pulling element having a first end coupled to the elastic element and a second end coupled to the core portion of the forearm ...

...bearing means disposed between the core and said surrounding wall, and coaxial with the orifice to guide rotation of the surrounding wall portion relative to the core portion and to support the forearm on the arm.

This is not convincing for ES Patent No. 1,052,733 discloses an articulated arm and forearm 10,11 including securing/articulation configurations 6-9,16-20 and a flexible pulling element 14 while ES Patent No. 1,051,839 discloses an articulated awning arm including securing/articulation configurations 1,2a,5-9 (see figure 1) and an elastic element 3 each of which collectively responds to the claimed limitations.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Purol whose telephone number is (571) 272-6833.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Glessner, can be reached at (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Primary Examiner
Art Unit 3634

DMP
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September 4, 2007